

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

RANDALL E. COOK,

Petitioner,

vs.

No. 2:20-cv-00476-KWR-JHR

RICHARD MARTINEZ and  
ATTORNEY GENERAL OF THE  
STATE OF NEW MEXICO,

Respondents.

**ORDER ADOPTING PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITION**

**THIS MATTER** comes before the Court on the Proposed Findings and Recommended Disposition (“PFRD”) of Magistrate Judge Jerry H. Ritter [Doc. 14], entered at the undersigned’s request pursuant to 28 U.S.C. § 636(b). [See Doc. 13]. In the PFRD, Magistrate Judge Ritter recommends the Court allow Petitioner Randall Cook to file an amended § 2254 petition free of unexhausted claims. [Doc. 14, p. 5]. The PFRD notified the parties of their ability to file objections and that failure to do so waives appellate review. [*Id.*, p. 6]. To-date, Cook did not file an objection and the time to do so has passed. 28 U.S.C. § 636(b)(1)(C); [*Id.*].<sup>1</sup>

The failure to make timely objections to the Magistrate Judge’s PFRD waives appellate review of both factual and legal questions. *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1059 (10th Cir. 1996).

Wherefore, the Court hereby **ADOPTS** Magistrate Judge Ritter’s PFRD [Doc. 14].

Because Cook already filed an amended § 2254 petition free of unexhausted claims on

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<sup>1</sup> Respondents filed a notice of non-objection on November 22, 2021. [Doc. 15].

November 29, 2021, [Doc. 16], the Court **FURTHER ORDERS** Respondents to file an answer on or before **Wednesday, January 12, 2022 by 5:00 p.m.**

**IT IS SO ORDERED.**

  
**KEA W. RIGGS**  
**UNITED STATES DISTRICT JUDGE**